

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LINDSEY NICOLE DANIELSON,

Plaintiff,

v.

CIVIL ACTION NO. 1:10CV125
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on August 13, 2010, the Court referred this Social Security action to United States Magistrate Judge James E. Seibert with directions to submit proposed findings of fact and a recommendation for disposition.

On March 28, 2011, Magistrate Judge Seibert filed his Report and Recommendation ("R&R"), and, in accordance with 28 U.S.C. §636(b)(1) and Fed. R. Civ. P. 6(e), directed the parties, to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the R&R. He further advised the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this Court. The parties did not file any objections.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Having received no written objections¹ and after consideration of Magistrate Judge Seibert's R&R, the Court **ORDERS** that Magistrate Judge Seibert's R&R be and it is accepted in whole; and further **ORDERS** that this civil action be disposed of in accordance with the recommendation of the Magistrate. Accordingly, the Court

1. **GRANTS** the Commissioner's motion for Summary Judgment (dkt. no. 15);
2. **DENIES** the plaintiff's motion for Summary Judgment (dkt. no. 12); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **RETIREES** it from the docket of this Court.

Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: April 19, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Danielson's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).